
UTAH LABOR COMMISSION

JAMES MICHAEL WYLIE,

Petitioner,

vs.

JORDAN SCHOOL DISTRICT,

Respondent.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 02-1269

Jordan School District asks the Utah Labor Commission to review Administrative Law Judge Marlowe's award of benefits to James Michael Wylie under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

BACKGROUND AND ISSUES PRESENTED

While working as a teacher for Jordan School District ("Jordan" hereafter) on September 25, 1995, Mr. Wylie was assaulted by a student. Jordan has paid workers' compensation benefits for injuries to Mr. Wylie's left wrist and elbow but has denied liability for Mr. Wylie's claim to additional benefits for post-traumatic stress disorder ("PTSD").

Rather than proceed with an evidentiary hearing in this matter, the parties submitted stipulated facts to Judge Marlowe and asked that she appoint a medical panel to evaluate Mr. Wylie's claim. Judge Marlowe appointed the panel as requested and then, based on the panel's report, Judge Marlowe found that Mr. Wylie's PTSD was caused by the September 1995 assault. Judge Marlowe awarded benefits to Mr. Wylie accordingly.

In requesting review of Judge Marlowe's decision, Jordan argues that Judge Marlowe should have disregarded the medical panel's opinion as subjective and contrary to other medical evidence. Jordan also argues that an additional hearings should be held on the panel's report or, alternatively, that the panel should be asked to clarify its report.

FINDINGS OF FACT

As noted above, the parties stipulated to the facts surrounding Mr. Wylie's work injury. In summary, Mr. Wylie was employed by Jordan as a teacher and coach at Bingham High School. On September 25, 1995, he was summoned from the football field to a parking lot to detain intoxicated teenagers who had been breaking beer bottles in the gym. One of these individuals scuffled with Mr. Wylie. They fell to the ground, with Mr. Wylie's left side hitting the pavement. Mr. Wylie suffered

a fractured left wrist and ulnar neuritis as a result of the assault. He underwent surgery in 1996 and 2002, leaving him with weakness, tremors and other problems with his left arm.

Several years prior to the assault of September 25, 1995, Mr. Wylie had received counseling following the deaths of two students. These counseling sessions only lasted for short periods of time and Mr. Wylie required no follow-up care or medication. However, after the assault of September 1995, Mr. Wylie developed depression and anxiety and was diagnosed with work-related PTSD. Despite counseling and medication, his condition worsened. In March 2003, he stopped working as a teacher on advice of his physician,

In addition to the foregoing stipulated facts, the medical record in this case contains various treatment notes and evaluations of Mr. Wylie's condition, including:

- The opinion of Dr. Knippa, a psychologist who served as Jordan's consultant. Dr. Knippa concluded that Mr. Wylie's current PTSD and other psychiatric problems are a natural continuation of various psychological problems that existed prior to the work-related assault on September 25, 1995.
- The opinion of the medical panel appointed by Judge Marlowe. This panel consisted of Dr. Jarvis, a specialist in occupational health, and Dr. McCann, a psychiatrist. Additional psychological testing was performed for the panel by Dr. Cooper, a psychologist. The panel concluded that Mr. Wylie's PTSD was directly caused by the work-related assault.

DISCUSSION AND CONCLUSION OF LAW

Section 34A-2-401 of the Utah Workers' Compensation Act requires an injured worker to prove, among other elements, that the worker's injuries were medically caused by his or her employment. In this case, Mr. Wylie argues that the assault he suffered while working for Jordan on September 25, 1995, is the medical cause of his PTSD. In response, Jordan argues that Mr. Wylie was suffering from psychological problems even before the assault and that the assault did not cause his PTSD.

Mr. Wylie and Jordan have each submitted medical opinions that support their respective arguments. In light of these conflicting opinions, the Commission appointed an impartial medical panel to evaluate Mr. Wylie's claim. The panelists, who are experts in medical specialties relevant to Mr. Wylie's claim, reviewed Mr. Wylie's entire relevant medical history. The panel also personally examined Mr. Wylie and performed additional psychological testing. Finally, the panel reviewed the opinions of the parties' own medical consultants and treating physicians. Based on all this information, the panel concluded that Mr. Wylie's work-related assault is the direct medical cause of his PTSD. The Commission recognizes that some other medical experts disagree with the medical panel's opinion. However, given the panel's expertise and independence, the Commission finds the panel's opinion persuasive.

The Commission also notes Jordan's contention that further proceedings should be conducted to clarify the medical panel report. While § 34A-2-601 of the Act permits the Commission to undertake such further proceedings, the Commission does not believe they would be useful in this case. The parties have had full opportunity to obtain and submit medical opinions. Those opinions are part of the record and have been fully considered, together with the medical panel's opinion.

While not all of these opinions are in agreement, each opinion is clear and can be evaluated in its own right. The Commission therefore concludes it is unnecessary to conduct further proceedings in this case.

In summary, the Commission denies Jordan's request for further proceedings regarding the medical panel's opinion. The Commission concurs with Judge Marlowe's determination that Mr. Wylie's PTSD is the result of his work-related assault and that Mr. Wylie is entitled to workers' compensation benefits for that condition.

ORDER

The Commission affirms Judge Marlowe's decision. It is so ordered.

Dated this 19th day of February, 2008.

Sherrie Hayashi
Utah Labor Commissioner